

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
RAY TYLICKI,

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Plaintiffs,

1:05-CV-1574  
(GLS/RFT)

v.

MAURICE HICKEY; STEPHEN ST. ONGE;  
TODD ROBECK; CLINTON COMMUNITY COLLEGE,

Defendants.

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APPEARANCES:

RAY TYLICKI  
Plaintiff, *pro se*

GARY L. SHARPE  
U.S. District Court Judge

**DECISION and ORDER**

*Pro se* plaintiff Ray Tylicki commenced a civil action seeking redress for the alleged violation of his statutory and constitutional rights. By prior Decision and Order, this Court determined that the complaint as drafted, failed to state a claim against the named defendants upon which relief could be granted. Dkt. No. 4. Plaintiff was afforded an opportunity to file an amended complaint.<sup>1</sup>

Tylicki's amended complaint is before this Court for review. Dkt. No. 10.<sup>2</sup> By his amended complaint, Tylicki claims that his due process rights were violated in the

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<sup>1</sup> Tylicki was also granted leave to proceed with this action *in forma pauperis*. *Id.* at 6. In light of the dismissal of Tylicki's complaint, his motion for preliminary injunctive relief was denied. *Id.*

<sup>2</sup> An unsigned submission by Tylicki was rejected by the Court, and Tylicki was afforded additional time in which to file an amended complaint. Dkt. No. 5. Tylicki was also directed to verify his mailing address and was advised that his failure to promptly notify the Clerk's Office of any change to his address would be grounds for dismissal of this action. *Id.*

course of disciplinary proceedings conducted against him at Clinton Community College in December, 2005, which resulted in a two semester suspension from the college. *Id.* at ¶ 26. It appears from the amended complaint that defendants St. Onge and Robeck served as the hearing officers. Dkt. No. 10 at ¶ 15. Tylicki states that he is disabled, and claims, *inter alia*, that he was denied proper notice of the charges and sufficient time in which to obtain a mental health evaluation and to gather evidence regarding his disability for consideration in the disciplinary proceeding. *Id.* Tylicki states that he fully exhausted his administrative remedies with respect to these claims.

Because Tylicki's amended complaint, while not a model of clarity, substantially cures the deficiencies in his original pleading with respect to his claims against defendants St. Onge and Robeck, it may be properly filed with the Court.

The amended complaint also names Maurice Hickey as a defendant in this action. However, because the amended complaint is devoid of any allegations regarding Hickey's alleged participation in or responsibility for any of the matters complained of, the amended complaint fails to state a claim as against Hickey upon which relief may be granted. Accordingly, Hickey is dismissed as a defendant in this action.

WHEREFORE, for the reasons the forth above, it is hereby

ORDERED, that Maurice Hickey is dismissed as a defendant in this action, and it is further

ORDERED, that the Clerk issue summonses and forward them, along with copies of the amended complaint and a packet containing General Order 25, which sets forth the Civil Case Management Plan used by the Northern District of New York, to the

United States Marshal for service upon the remaining defendants, and it is further

ORDERED, that a formal response to the amended complaint be filed by the defendants or their counsel as provided for in the Federal Rules of Civil Procedure subsequent to service of process on the defendants, and it is further

ORDERED, that the parties attend the conference scheduled in this matter and comply with the provisions of General Order 25, including the Civil Case Management Plan, and it is further

ORDERED, any paper sent by a party to the Court or the Clerk be accompanied by a certificate setting forth the date a true and correct copy of it was mailed to all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a proper certificate of service is to be returned without processing. Tylicki shall comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action, and it is further

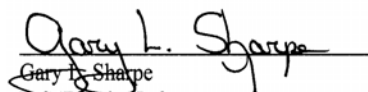
ORDERED, that all motions must comply with the Local Rules of Practice of the Northern District of New York, and it is further

ORDERED, that Tylicki promptly notify the Clerk's Office of any change in his address; his failure to do so will result in the dismissal of this action, and it is further

ORDERED, that the Clerk serve a copy of this Order on Tylicki.

IT IS SO ORDERED.

Dated: June 6, 2006  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge